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February 9, 2016

**VIA ECF AND FEDERAL EXPRESS**

Honorable James B. Clark, III  
United States Magistrate Judge  
United States District Court  
M.L. King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: In Re Biogen '755 Patent Litigation  
Civil Action No. 10-2734 (CCC) (JBC)**

Dear Judge Clark:

I write on behalf of Bayer HealthCare Pharmaceuticals Inc. in connection with the letters recently filed by Serono and Biogen (Docket Nos. 384, 387, and 388). Given that both sides' opening expert reports are due to be served on February 19—a mere ten days from now—Bayer respectfully requests that Biogen's request for an extension of this deadline be resolved as soon as practicable.

Bayer met and conferred with Biogen concerning Biogen's request for a modest extension to the deadlines for serving opening expert reports. Given that the Court has not yet entered a schedule setting deadlines for summary judgment briefing or trial, Biogen's proposed extension will not have any effect on the case's schedule. Moreover, Biogen and Bayer continue to confer in an effort to resolve a dispute regarding Biogen's proposal to provide Bayer's sensitive confidential information to a potential expert witness. In the event that Bayer and Biogen are unable to resolve that dispute shortly, it will require adjudication by the Court. Accordingly, Bayer agreed not to oppose Biogen's request for a modest adjustment of the expert report deadline. In exchange, Biogen agreed that, following expert discovery, it would not oppose Bayer's filing of motions for summary judgment, irrespective of whether the Court has issued its claim construction decision.

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To the extent that a teleconference is necessary, Bayer is available at the Court's convenience.

Respectfully submitted,

GREENBAUM, ROWE, SMITH & DAVIS LLP

*/s/ Robert M. Goodman*

ROBERT M. GOODMAN

RMG/TKM

cc: Counsel of Record (via ECF)